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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**USACM Trust's Motion to Clarify the
Record Regarding Proof of Claim
No. 10725-00495 By Robert Levy**

Date of Hearing: March 1, 2012

Time of Hearing: 10:00 a.m.

Estimated Time for Hearing: 10 minutes

The USACM Liquidating Trust (the "USACM Trust") moves to clarify the record regarding certain Direct Lender claims and how these claims are to be treated by the USACM Trust. This Court may correct these errors pursuant to Bankruptcy Rules 3008 and 9024.

Robert Levy filed Proof of Claim No. 10725-00495 (the "Levy POC") in the amount of \$200,000. A copy of the Levy POC is attached as **Exhibit A**. Although the amount listed on the face of the Levy POC is \$200,000, the documentation supporting the Levy POC indicates that it is based upon only a \$50,000 investment in the Fiesta Oak Valley Loan and a \$50,000 investment in the Gramercy Court Loan. No other loans are referenced in the Levy POC or the documents attached to it.

The USACM Trust objected to Direct Lender claims based upon an investment in the Fiesta Oak Valley Loan, but offered to allow twenty percent of the Fiesta Oak Valley Claims. The Levy POC was subject to this objection [DE 9074]. The Court sustained the

1 Trust's objection and disallowed the Levy POC to the extent it is based upon the Fiesta
2 Oak Valley Loan. Consistent with the actual amount of the investment, the exhibit
3 attached to the order allowed \$10,000 and disallowed \$40,000 of the Levy POC
4 [DE 9472.]

5 Likewise, the USACM Trust objected to the Levy POC to the extent that it was
6 based upon an investment in the Gramercy Court Loan [DE 8057]. The Court sustained
7 that objection. Consistent with the amount of the investment, the exhibit attached to the
8 order shows that the "approximate amount disallowed" was \$50,000 [DE 8113.]

9 Thus, although the Trust has objected to the two loans upon which the Levy POC
10 is based and the Court has sustained both objections, the Trust's records arguably show
11 that \$100,000 of the claim remains unresolved. Accordingly, the Trust requests an order
12 clarifying that the Levy POC is allowed in the amount of \$10,000 and the remainder is
13 disallowed.

14 Wherefore, the USACM Liquidating Trust requests that the foregoing orders be
15 amended as requested.

16 Respectfully submitted February 2, 2012.

17 **LEWIS AND ROCA LLP**

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LAWYERS

COPY of the foregoing mailed
by First Class Postage Prepaid
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By: /s/ Renee Creswell
Renee Creswell